

Adoption Assistance Rate Determination Frequently Asked Questions

Why does the adoption assistance rate have to be negotiated?

Federal law 42 U.S.C. 673(a)(3) requires that the adoption assistance rate be negotiated. This law also indicates that the amount of assistance shall be determined by agreement between the adoptive parents and the Department, taking into consideration the circumstances of the adoptive parents and the needs of the child being adopted. It further states that in no case may the amount of the payment made exceed the maximum amount paid in foster care at the time of adoption.

How does the prospective adoptive parent(s) negotiate?

The adoption worker will apply for adoption assistance on behalf of the prospective adoptive parent(s). The prospective adoptive parent(s) and their adoption worker will complete the DHS-959 and will determine the following:

- Child's extraordinary medical or behavioral expenses.
- Child care/day care needs and expenses.
- Child's educational needs and expenses.
- Child's basic/ordinary needs (examples: shelter, food, clothing, school supplies).
- Child's special needs, if applicable.
- The prospective adoptive parent(s) capacity to incorporate the child into their household in relation to the daily adoption assistance rate being requested, taking into account their lifestyle, standard of living and future plans, as well as their overall capacity to meet the needs of the child.
- Available resources to assist with the expenses related to the above.
- The amount the family is able to contribute to the expenses listed on the DHS-959, and
- The daily adoption assistance rate being requested by the prospective adoptive parent(s) (not to exceed the maximum foster care payment which was paid or would have been paid if the child had been in a foster family home at the time of adoption) taking into consideration available resources to assist with the expenses identified above and the amount the family is able to contribute.

The DHS-959, Adoption Assistance Rate Determination Worksheet is used by the Adoption Subsidy Office when determining the daily adoption assistance rate.

If the initial offered rate is zero, does it mean that the child is ineligible for adoption assistance?

No, the child is still eligible for adoption assistance. However, the information provided in the application packet, including the DHS 959 and supporting documentation, indicated that a daily adoption assistance rate is not needed at the time.

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What if the prospective adoptive parent(s) accepts a lower adoption assistance amount, can they renegotiate the rate in the future?

Yes, an adoptive parent(s) may request a renegotiation of the adoption assistance rate (up to the maximum adoption assistance daily rate set by the Adoption Subsidy Office) when extraordinary circumstances occur that will impact the child's needs or family circumstances over an extended period of time. The adoptive parent(s) will need to submit a current DHS-959, Adoption Assistance Rate Determination Worksheet and supporting documentation to the Adoption Subsidy Office.

What is the timeframe to renegotiate?

The adoptive parent(s) may request a renegotiation of the adoption assistance rate any time prior to the termination of the contact, when extraordinary circumstances occur that will impact the child's needs or family circumstances over an extended period of time.

How does the determination of care (DOC) impact the final negotiated rate?

The reasons the child is eligible for a DOC rate may be used to demonstrate the child's needs.

What are the steps for the prospective adoptive parent(s) if they do not agree with the offered rate?

If the prospective adoptive parent(s) does not agree with the offered rate on the DHS-4113, Adoption Assistance Agreement, they must submit a written request to the Adoption Subsidy Office for a rate review which includes their requested rate and supporting documentation. The written request must be submitted within 14 calendar days of receiving the DHS 4113. The rate review will be conducted by the adoption subsidy manager or DHS designee. Within seven calendar days of the review, the Adoption Subsidy Office will either:

- Send a new DHS-4113, Adoption Assistance Agreement, with a change to the offered rate, to the adoption worker for the required signatures; or
- Offer a rate review conference with the adoption worker, prospective adoptive parent(s) and the adoption subsidy manager or DHS designee regarding the rate. The rate review conference will be held within 14 calendar days of the offer. A rate determination following a rate review conference will be made by the Adoption Subsidy office within seven calendar days following the conference.

Note: If the prospective adoptive parent(s) does not want a rate review and/or objects to the outcome of the conference, he/she may request an administrative hearing in writing to the Adoption Subsidy Office; see policy found in AAM 700.

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Note: Refusal by the prospective adoptive parent(s) to accept the offered adoption assistance rate, in and of itself, will not result in adverse action by the department.

The DHS-959, Adoption Assistance Rate Determination Worksheet, asks for the amount the prospective adoptive parent(s) is able to contribute. What if the prospective adoptive parent(s) isn't able to contribute?

The DHS-959 will need to indicate that the prospective adoptive parent(s) are unable to contribute based on their family circumstances. The amount of the family's contribution does not affect the child's eligibility for adoption assistance.

Is it ok for the prospective adoptive family, while completing the DHS-959, Adoption Assistance Rate Determination Worksheet, to write that they are requesting the maximum rate available and not complete the rest of the form?

The initial offered adoption assistance rate is based on the information provided on the DHS-959 and the supporting documentation. If the information provided on the DHS-959 and the supporting documents don't accurately identify the child's needs and/or the circumstances of the family, the initial offered rate might not reflect the actual needs of the family and may indicate that a daily adoption assistance rate is not needed at the time.